

THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION  
AND LIABILITY ACT (CERCLA)

14-9. Claims Asserted Against the Fund for Response Costs

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), Sections 111, 112 and 122; 40 CFR Part 300, "National Oil and Hazardous Substances Pollution Contingency Plan" (NCP); 40 CFR Part 307, "CERCLA Claims Procedures"; and 40 CFR Part 305, "CERCLA Administrative Hearing Procedures for Claims Against the Superfund":

a. To preauthorize claims against the Hazardous Substance Superfund for necessary response costs;

b. To approve reimbursement for claimed response costs; and

2. TO WHOM DELEGATED. The Director, Hazardous Site Cleanup Division (HSCD).

3. LIMITATIONS.

a. The Director, HSCD, must obtain approval from both the Assistant Administrator for Solid Waste and Emergency Response (AA/OSWER) and the Assistant Administrator for Enforcement and Compliance Assurance (AA/OECA) or his/her designee before exercising the authorities in 1.a (for the original preauthorization and any modifications thereto). The AA/OSWER and the AA/OECA or his/her designee may waive this limitation by memorandum.

b. The Director, HSCD, must obtain approval from the AA/OSWER before exercising the authorities in 1.b. The AA/OSWER may waive this limitation by memorandum.

c. The authority to serve as Review Officer is reserved to the AA/OSWER.

d. These authorities shall be exercised subject to approved funding levels.

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4. REDELEGATION AUTHORITY. These authorities may not be redelegated.
5. ADDITIONAL REFERENCES.
  - a. EPA Delegation 14-13-B, Concurrence in Settlement of Civil Judicial Actions
  - b. EPA Delegation 14-14-C, Administrative Actions Through Consent Orders

Date: 11/7/03

/s/ Thomas C. Voltaggio for

Donald S. Welsh  
Regional Administrator